IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 75927-M of 2006

DATE OF DECISION : 30.01.2007

Rukmani Devi

.... PETITIONER

Versus

State of U.T. Chandigarh

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.D.S. Sukhija, Advocate,
for the petitioner.

Mr. R.S. Rai, Advocate,
Standing Counsel for U.T. Chandigarh.

Mr. Raman Walia, Advocate,
for the complainant.

* * *

Petitioner Rukmani Devi (mother-in-law of the deceased) has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 239 dated 23.6.2006 registered at Police Station Sector 34, Chandigarh, under Section 304-B IPC.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 30.10.2006, passed by Additional Sessions Judge, Chandigarh, whereby bail to the petitioner has been declined.

Counsel for the petitioner, while referring to the allegations in the FIR, contends that about one month prior to the date of occurrence, the complainant remained in the house of her daughter and on that day, only husband Pawan Kumar misbehaved with his deceased wife and the complainant. Thereafter, as per the allegations, the deceased informed the complainant that yesterday, her sister-in-law (Jethani) demanded diamond

bangles. But there is no allegation that immediately before the un-natural death, the petitioner demanded any dowry. He further contends that the petitioner, who is 55 years old lady, is in custody since 23.6.2006 and till date, the prosecution has not examined any witness and the trial is not likely to conclude soon. The aforesaid factual position, as stated in the FIR, has not been disputed by the State Counsel and counsel for the complainant.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and she is, accordingly, ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of the trial court.

January 30, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**